

**SIXTEENTH DAY—Continued.**

Senate Chamber,  
Austin, Texas,  
February 22, 1934.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**At Ease.**

On motion of Senator Woodward, the Senate, at 2:05 o'clock p. m., stood at ease until 2:45 o'clock p. m., in order that committee meetings now in progress may be completed.

**In Session.**

The Senate was called to order, pursuant to standing at ease, at 2:45 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

**Bills and Resolutions on First Reading.**

By Senators Hopkins and Small:

S. B. No. 72, A bill to be entitled "An Act amending Article 3899, Revised Civil Statutes of 1925, as amended by Chapter 220, Acts of the Regular Session of the Forty-third Legislature, fixing the time of deducting certain office expenses after approval by the county auditor."

Read first time and referred to the Committee on State Affairs.

By Senator Woodward:

S. B. No. 73, A bill to be entitled "An Act to amend Articles 1847 and 1848, Chapter 3, Title 39 of the Revised Statutes of 1925, as amended by Chapter 64, page 98 of the Acts of the Regular Session of the Forty-second Legislature, so as to provide for the filing of records in the order received in the Court of Civil Appeals, and for setting of cases for submission in said court and for notice thereof to the parties of the receipt of the record and instruments by the clerk and the date set for submission, and so as to provide for time for filing briefs in the Court of Civil Appeals, and authorizing the granting of further time for filing briefs in said court, and for extension of time for submission of cases in said court, and repealing Article 2283 of the Revised Statutes of 1925, and repealing all laws in conflict

with this Act, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 74, A bill to be entitled "An Act to amend Article 1134 of the Revised Civil Statutes of Texas of 1925, by providing that no new election shall be had within two years of the date of an election whereby a town or village is incorporated under the General Laws of the State of Texas, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Woodruff:

S. B. No. 75, A bill to be entitled "An Act amending Section 3 of Chapter 214, page 719, General Laws of Texas, Forty-third Legislature of Texas, 1933, providing a basis for salaries for services in summer schools at certain State supported institutions of higher learning and repealing certain provisions for the collection of certain matriculation and tuition fees from students of summer schools in certain State supported institutions of higher learning, and declaring an emergency."

Read first time and referred to the Committee on Education.

**Messages From the Governor.**

Executive Department,

Austin, Texas, Feb. 22, 1934.

To the Forty-third Legislature in Second Called Session:

At the request of Representative Leonard, I am submitting herewith for your consideration a bill to be entitled:

"An Act providing that cities with a population of more than nine thousand (9,000) and less than nine thousand one hundred (9,100) inhabitants according to the last preceding Federal census may mortgage and encumber their abbatoir and the income thereof, or either of them for the purpose of acquiring or improving the same; . . . providing a saving clause and declaring an emergency."

At the request of Representative Leonard, I am submitting herewith for your consideration a bill to be entitled:

"An Act to safeguard the pub-

lic in the purchase of high-grade plant and nursery stock, true to name; further defining the duties of the State Seed and Plant Board; establishing a system of registration and certification for agricultural plants and nursery stock; . . . and declaring an emergency."

At the request of Representatives Engelhard and Tarwater, I am submitting herewith for your consideration a bill to be entitled:

"An Act defining 'warehouse-men' and 'warehouse,' names and words associated therewith; and providing for licensing and bonding of same and the manner of securing license and bond and exempting certain warehouses; . . . and declaring an emergency."

By request I am submitting herewith for your consideration a bill to be entitled:

"An Act to amend Articles 1847 and 1848, Chapter 3, Title 39 of the Revised Statutes of 1925, as amended by Chapter 64, page 98 of the Acts of the Regular Session of the Forty-second Legislature; . . . and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

Executive Department,  
Austin, Texas, Feb. 22, 1934.

To the Forty-third Legislature in  
Second Called Session:

At the request of Representative Laird, I am submitting herewith for your consideration a bill to be entitled: "An Act to validate the organization and creation of all county line consolidated independent school districts, county line rural high school districts and/or consolidated common school districts, whether created by the vote of the people or by the county boards of trustees, or commissioners' courts or by judgments of district courts, where such county line consolidated independent school districts, county line rural high school districts and consolidated common school districts are formed by the consolidation of districts or parts of districts lying in three adjoining counties; . . . and declaring an emergency."

Respectfully submitted,

MIRIAM A. FERGUSON,  
Governor of Texas.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the  
Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 37, A bill to be entitled "An Act defining oleomargarine and other terms used in Act; providing tax of four cents per pound on certain oleomargarines, for method of collecting tax, for certificates and reports to State Comptroller by wholesalers of taxable oleomargarine; providing for manner and time of payment of tax, for records of sales and inspection, for sticker tags and invoices, manner of shipment or delivery, and liability of dealers; giving State Comptroller authority to enforce Act and collect tax; etc."

H. B. No. 111, A bill to be entitled "An Act authorizing and empowering the governing bodies of all cities and towns in this State, whether incorporated under special or general law, or under the Home Rule Act, to determine, fix, and regulate the rates and service of the public utilities serving them; repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 112, A bill to be entitled "An Act to amend Article 1650, of the Revised Civil Statutes of Texas, 1925; repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 114, A bill to be entitled "An Act to prohibit justices of the peace from adjudging fees in misdemeanor criminal cases in favor of constables and deputy constables, where the alleged offense was committed in a justice precinct other than the precinct in which such constable was elected or such deputy constable appointed, and to prohibit constables and deputy constables from collecting or receiving fees; etc."

H. B. No. 119, A bill to be entitled "An Act amending Subdivision f, of Section 6, of Chapter 116, Acts of the Forty-third Legislature, and declaring an emergency."

H. B. No. 121, A bill to be entitled "An Act amending Sections 1 and 77, of Chapter 27, of the General and

Special Laws passed by the Forty-second Legislature at its Third Called Session, approved September 21, 1932; providing that navigation districts within this State, organized under the provisions of Section 59, of Article XVI, of the Constitution, and under the provisions of Chapter 5 of the General Laws passed by the Thirty-ninth Legislature of the State of Texas at its Regular Session and acts amendatory thereof, or created, organized, existing, doing business or acting under any local and special law of the Legislature of the State of Texas, and purporting to have been enacted under the provisions of said Section 59, of Article XVI, which have voted bonds but not issued or otherwise finally disposed of same, shall be deemed as coming originally within the scope of said Act, and that no proceedings provided in Section 93 of said Act shall be required as a prerequisite to the exercise of the rights, powers, privileges, and benefits of such Act; etc., and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act fixing a limitation period of two years for the bringing of suits of any kind on account of the closing and abandonment of public streets or alleys or public roads or thoroughfares, or any parts thereof, other than State highways, by ordinance of the governing body of a city or town or by order of the commissioners court of a county; etc., and declaring an emergency."

H. B. No. 28, A bill to be entitled "An Act amending Sections 1, 2, 4, 5, 6, 8, 9, and 12, of Chapter 241, Acts of the Regular Session, Forty-third Legislature, page 845, and further amending Chapter 241, Acts Regular Session, Forty-third Legislature, page 843, by adding a new section to said Act, to be designated and styled as Section 17-b, which new section vests and empowers the Commissioner of Labor with the power to promulgate all necessary rules; etc."

S. B. No. 13, A bill to be entitled "An Act to amend Section 17 of Chapter 211 of the General Laws passed by the Forty-third Legislature at the Regular Session so as to provide that the counties affected thereby shall be granted reimbursement for high school tuition and transportation, and declaring an emergency."

(With amendments.)

S. B. No. 70, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Court in the 108th Judicial District; to make all writs and process issued or served before this Act takes effect returnable to the terms of court as herein fixed; etc., and declaring an emergency."

S. C. R. No. 14, Granting the D. F. Jones Construction Co., Inc., permission to sue the State of Texas or the State Highway Commission for contractual damages.

S. C. R. No. 15, Granting Ben Sira and Company permission to sue the State of Texas or the State Highway Commission for contractual damages.

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 163, A bill to be entitled "An Act to amend Section 23, of Chapter 212, Acts Regular Session, Fortieth Legislature, and declaring an emergency." (Relating to treatment of prisoners.)

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has amended by striking out the enacting clause, of the following bill, by a vote of 67 yeas and 62 nays:

S. B. No. 21, A bill to be entitled "An Act re-appropriating any unexpended balances of the funds appropriated in aid of rural schools of the state of Texas in the emergency appropriation to pay outstanding indebtedness incurred through the operation of the rural aid law as made by Chapter 173, Acts Regular Session, Forty-third Legislature; such unexpended balances to be used for the purpose of supplementing the rural aid appropriation as made by Chapter 211, Acts, Regular Session, Forty-third Legislature, such unex-

pending balances or so much thereof as may be necessary to be used and expended in aid of rural schools under the provisions of Chapter 211, Acts, Regular Session, Forty-third Legislature, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 116, A bill to be entitled "An Act amending Articles 5740, 5742, 5744, and 5757, of the Revised Civil Statutes of Texas, 1925, relating to co-operative marketing associations, said articles being a portion of what is commonly known as the 'Co-operative Marketing Act of Texas,' and declaring an emergency."

H. B. No. 157, A bill to be entitled "An Act changing the open season on doves and quail to open November fifteenth to January sixteenth, inclusive, in Brazos County, Texas; repealing all laws in conflict herewith, and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

#### House Bill No. 35.

On motion of Senator Stone, the Senate granted unanimous consent to suspend the constitutional rule, and take up, at this time the following bill:

H. B. No. 35, A bill to be entitled "An Act making an appropriation of ten thousand dollars (\$10,000), to be used by the State Board of Water Engineers for assembling the necessary data and for necessary expenses incurred in presenting application of Brazos River Reclamation District before the Public Works Administration and the Department of Interior and the President of the United States, and for paying the existing indebtedness of said reclamation district, and declaring an emergency."

Senator Stone offered the following amendment:

Amend House Bill No. 35, by

striking out the words "Brazos River Reclamation District" wherever they appear in the caption and in the bill, and insert in lieu thereof the words "Brazos River Conservation and Reclamation District."

STONE.

The amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Stone, the constitutional rule, requiring bills to be read on three several days, was suspended, and House Bill No. 35 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—2.

DeBerry. Murphy.

Present—Not Voting.

Purl.

Absent—Excused.

Fellbaum. Hopkins.

**Senate Bill No. 14.**

Senator Woodul moved to concur in the House amendments to Senate Bill No. 14.

The motion prevailed by the following vote:

**Yeas—24.**

Beck.	Patton.
Blackert.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

**Nays—5.**

Collie.	Oneal.
DeBerry.	Poage.
Murphy.	

**Absent—Excused.**

Fellbaum.	Hopkins.
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**Free Conference Requested.**

On motion of Senator Purl, the Senate refused to concur in the House amendments to Senate Bill No. 13, and asked the appointment of a Free Conference Committee.

**House Bill No. 10.**

Senator Rawlings moved to print House Bill No. 10.

H. B. No. 10. A bill to be entitled "An Act to amend Section 5, of Chapter 88, of the Acts of the Second Called Session of the Forty-first Legislature, relating to the licensing of motorcycles, sidecars, and passenger motor vehicles, providing a license fee therefor, fixing an effective date of this Act, and declaring an emergency."

The motion was lost by the following vote:

**Yeas—10.**

Collie.	Poage.
Cousins.	Purl.
Hornsby.	Rawlings.
Murphy.	Regan.
Oneal.	Sanderford.

**Nays—17.**

Beck.	Parr.
Blackert.	Patton.
DeBerry.	Redditt.
Duggan.	Russek.
Greer.	Stone.
Holbrook.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Pace.	

**Absent.**

Martin.	Small.
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**Absent—Excused.**

Fellbaum.	Hopkins.
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**S. C. R. No. 27.**

The Chair laid before the Senate on its second reading:

S. C. R. No. 27, Relating to power of Texas Relief Commission.

The committee report recommending that the resolution be not printed was adopted by unanimous consent.

The resolution was adopted.

**Senate Bill No. 23.**

The Chair laid before the Senate the following bill on second reading:

S. B. No. 23, A bill to be entitled "An Act amending Section 7, of Chapter 13 of the Third Called Session of the Forty-second Legislature, as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto subdivision (c) relating to payment of refunding eligible obligations of counties and defined road districts; and providing that the board of county and district road indebtedness may continue to contribute and pay on such refunding bonds at the same rates and in the same amount it would have paid under the rates and maturities on such indebtedness before same was refunded; providing that any reduction of interest on refunding bonds shall inure to the county so refunding; and providing for the written consent and approval of such board by the commissioners' court before refunding, and declaring an emergency."

Senator Woodward sent up the following amendment:

Amend Senate Bill No. 23, by striking out Sections 1 and 2 and inserting in lieu thereof the following:

"Section 1. That Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, be, and the same is hereby amended by adding thereto Section (a-1) reading as follows:

'Section 7 (a-1). When the county commissioners' court of any county in this State shall exercise the authority now conferred by law and shall refund any eligible debt of the county or of any defined road district in such county wherein the interest rate provided for in such refunding obligations shall be less than the interest rate on the obligations so refunded, and the holders of the bonds or obligations so refunded agree to accept such refunding bonds at such lower rate of interest in lieu of the bonds or obligations so refunded, or if the holders of such eligible indebtedness shall agree to accept payment of a lower rate of interest on such indebtedness without a refunding thereof, in either of such events the board of county and district road indebtedness may continue to contribute and pay on such refunding bonds at the same rate and in the same amount that it would have paid on such indebtedness under the rates and maturities on such indebtedness before the same was refunded or the interest thereon was reduced as hereinbefore provided; provided, however, that the written consent and approval of the board of county and district road indebtedness shall first be obtained by the county commissioners' court of such county. The intent and purpose of this Act is that any saving of interest effected on any eligible debt of any county or any defined road district in any refunding or interest reduction operation shall inure to the benefit of such county or defined district.

"Sec. 2. The fact that the present law does not provide for the saving of interest to counties and defined road districts by means of refunding operations, and that counties and road districts now in financial distress by the use of funds now granted to them by law will be enabled to refund their eligible debts and bring the same out of default by reason of the authority herein granted to the board of county and dis-

trict road indebtedness, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, be suspended, and such rule is suspended, and this Act shall take effect and be in force from and after its passage and approval, and it is so enacted."

WOODWARD.

Pending.

Senator Woodward sent up the following amendment:

Amend S. B. No. 23 by striking out all above the enacting clause and inserting in lieu thereof the following:

"A bill to be entitled an Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto Section (a-1) relating to payment of refunding eligible obligations of counties and defined road districts; and providing that the Board of County and District Road Indebtedness may continue to contribute and pay on such refunding bonds at the same rate and in the same amount it would have paid under the rates and maturities on such indebtedness before same was refunded; providing that any reduction of interest on refunding bonds shall inure to the county so refunding; and providing for the written consent and approval of such board by its commissioners' court before refunding; and declaring an emergency."

Pending.

On motion of Senator Parr the bill was laid on the table subject to call.

S. C. R. No. 25.

Senator Greer called from the table S. C. R. No. 25, relating to unsurveyed school lands.

Senator Greer sent up the following amendment:

Amendment No. 1.

That the words "areas which appear on the Land Office maps as" be placed after the words "right to lease" in the third paragraph of the resolution.

The amendment was adopted.

Senator Greer sent up the following amendment:

**Amendment No. 2.**

That the words "as therein described" be placed after the words "unsurveyed areas of school land" in the seventh line of the fifth paragraph.

The amendment was adopted.

The resolution, as amended, was adopted by the following vote:

**Yeas—18.**

Blackert.	Patton.
Cousins.	Regan.
Duggan.	Russek.
Greer.	Sanderford.
Holbrook.	Small.
Hornsby.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Parr.	Woodward.

**Nays—5.**

DeBerry.	Purl.
Oneal.	Rawlings.
Poage.	

**Present—Not Voting.**

Collie.	Pace.
Neal.	Redditt.

**Absent.**

Beck.	Martin.
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**Absent—Excused.**

Fellbaum.	Hopkins.
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**House Bill No. 65.**

On motion of Senator Patton, the Senate granted unanimous consent to suspend the constitutional rule and take up, out of regular order, the following bill:

H. B. No. 65, A bill to be entitled "An Act permitting the taking of pelts of fur-bearing animals for the purpose of sale in Houston County during the months of December and January; making it unlawful to take such pelts or to employ a steel trap for taking any fur-bearing animal during any other months than December and January; providing a penalty; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Patton the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 65 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Fellbaum.	Hopkins.
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Read third time and finally passed the viva voce vote.

**Senate Bill No. 23.**

Senator Parr called from the table S. B. No. 23.

Senator Martin sent up the following amendment:

Amend S. B. No. 23 by adding thereto an amendment of sub-section A, of Section 7, of Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as follows:

"Section 7 (a). All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of the State, which mature on or after January 1, 1933, and insofar as the amounts of same were issued for, and the proceeds actually expended in, the construction of roads that constituted and comprised a part of the system of designated State Highways on September 17, 1932, or that theretofore constituted a part of said system and which has either been changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligations originally

issued or by the refunding obligations or both; and all bonds, warrants or other evidences of indebtedness which have been issued and sold since September 17, 1932, or which may be hereafter issued and sold by any county or district for the purpose of constructing any designated State Highway pursuant to a contract existing on or before September 1, 1932, between the State Highway Department and any such county or district, shall be eligible to participate as of January 1, 1933, in the distribution of moneys coming into said County and Road District Highway Fund subject to the provisions of this Act, less, however, the amount of the sinking fund which was required to be accumulated in such funds of the respective counties and districts.

It being expressly provided in this connection that the term "sinking funds" required shall include only those funds accumulated, and required to be accumulated, under now existing laws for the retirement of bonds, and shall not include any excess or surplus which may have been accumulated by any county or road district above the legal requirements. The sinking fund requirement on all eligible issues whose bonds mature at one time, regardless of optional dates, shall be computed on a straight line method and the sinking fund requirements on all eligible issues whose bonds mature serially shall be computed on the constitutional 2% (two per cent) annual basis. The amount of State participation in the interest maturing shall be reduced to conform with the amount of bonds in which the State is eligible to participate. The amount of the eligible indebtedness is to be determined as hereinafter provided.

In the event the State Highway Commission has on a date prior to September 17, 1932, indicated its intention of designating as state highways, the public roads of any county or road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply.

If any county or road district refuses or fails to pay its required portion of any maturity within twelve (12) months after date of maturity, then the amount which the State is

eligible to pay on that maturity, shall be withdrawn, and the county or road district shall be required to pay the full maturity, and without State participation.

The determination of the Board of County and District Road Indebtedness, as provided for in this Act, shall be final and conclusive and shall not be subject to review in any other tribunal, and the board shall not consider any applications for participation in the County and Road District Highway Fund, filed after thirty (30) days from the effective date of this Act.

Sec. 2. The fact that the present law covering the subject matter of this Act, is inadequate, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in both houses be suspended and such rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

MARTIN.

Senator Woodruff moved that the bill and pending amendments be referred to the committee with instructions that it be reported back today and printed in the Journal with amendments.

The motion was adopted.

Amend Senate Bill No. 23, by striking out the line next preceding Section 1 of the bill.

WOODRUFF.

Withdrawn.

Senate Bill No. 24.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 24, A bill to be entitled "An Act to validate all proceedings and acts of governing boards of cities containing a population of not more than 11,000 and not less than 10,500, according to the next preceding Federal census, in connection with the issuance of funding warrants and funding bonds heretofore authorized or attempted to be authorized under the provisions of Chapter 163, Acts of Forty-second Legislature, Regular Session, and declaring an emergency."

Senator Parr sent up the following amendment:

Amend Section 1, line 3 of the



typewritten bill, by inserting between the word "and" and "less" the word "not" and amend caption to conform.

**PARR.**

The amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule, requiring bills to be read on three several days, was suspended, and Senate Bill No. 24 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Patton.
Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodul.
Oneal.	Woodruff.
Pace.	Woodward.
Parr.	

Nays—1.

DeBerry.

Present—Not Voting.

Collie.

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 27—H. B. No. 110.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 27, A bill to be entitled "An Act empowering the board of education or board of trustees of certain independent school districts by resolution passed by the majority vote of the members of such board of education or board of trustees, beginning with 1933 delinquent taxes due, to such independent school districts, etc., and declaring an emergency."

Senator Woodul moved to substitute House Bill No. 110 for Senate Bill No. 27.

The motion prevailed.

H. B. No. 110 was read second time and passed to third reading.

On motion of Senator Woodul, the constitutional rule, requiring bills to be read on three several days, was suspended, and House Bill No. 110 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Blackert.	Murphy.
Collie.	Neal.
Cousins.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.

Redditt. Stone.  
Regan. Woodruff.  
Russek. Woodul.  
Sanderford. Woodward.  
Small.

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 61—H. B. No. 43.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 61, A bill to be entitled "An Act amending Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts Forty-second Legislature, First Called Session, and Chapter 162, Acts Forty-third Legislature; appropriating the proceeds of the tax derived by the provisions of Article 6032 to the Railroad Commission of Texas and the Attorney General of Texas for the enforcement of the oil and gas laws of this State, etc."

Senator Woodward moved to substitute House Bill No. 43 to be considered in lieu of Senate Bill No. 61.

The motion prevailed.

The committee amendment was adopted.

H. B. No. 43 was read second time and passed to third reading.

On motion of Senator Woodward, the constitutional rule, requiring bills to be read on three several days, was suspended, and House Bill No. 43 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck. Parr.  
Blackert. Patton.  
Collie. Poage.  
Cousins. Purl.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Greer. Regan.  
Holbrook. Russek.  
Hornsby. Sanderford.  
Martin. Small.  
Moore. Stone.  
Murphy. Woodruff.  
Neal. Woodul.  
Oneal. Woodward.  
Pace.

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—28.

Beck. Parr.  
Blackert. Patton.  
Collie. Poage.  
Cousins. Purl.  
DeBerry. Rawlings.  
Duggan. Redditt.  
Greer. Regan.  
Holbrook. Russek.  
Hornsby. Sanderford.  
Moore. Small.  
Murphy. Stone.  
Neal. Woodruff.  
Oneal. Woodul.  
Pace. Woodward.

Present—Not Voting.

Martin.

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 66.

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 66, A bill to be entitled "An Act creating a water conservation and reclamation district as a public corporation under Section 59, Article 16 of the Constitution of Texas, to be known as 'The Colorado River Authority'; defining the territory of such district; prescribing the purpose, authority, powers and privileges of such corporation; providing for directors of the corporation, their term of office, their compensation, their powers and duties, and for the employment by them of a secretary, manager, attorneys, auditors, engineers and other assistants; providing that the corporation may enter into contracts and other obligations, acquire and hold property, sue and be sued in its corporate name, for the borrowing of money, the issuance of bonds, notes and other obligations, and encumbering and pledging the property of the corporation; providing for the deposit, withdrawal and disbursement of funds, financial statements and disposition of net earnings, and declaring an emergency.'"

The bill was read second time and passed to engrossment.

On motion of Senator Hornsby, the constitutional rule, requiring bills to be read on three several days, was suspended, and Senate Bill No. 66

was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

## Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

## Yeas—19.

Beck.	Parr.
Cousins.	Patton.
Duggan.	Purl.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodul.
Pace.	

## Nays—10.

Blackert.	Poage.
Collie.	Rawlings.
DeBerry.	Sanderford.
Moore.	Woodruff.
Oneal.	Woodward.

## Absent—Excused.

Fellbaum. Hopkins.

## House Bill No. 96.

On motion of Senator Redditt, the Senate granted unanimous consent to take up and consider at this time, the following bill:

H. B. No. 96, A bill to be entitled "An Act to amend Section 9, of Article 1112-b, of the Penal Code of the State of Texas, being Section 9 of an Act of the Forty-third Legislature, passed at its Regular Session, Chapter 165, page 422, by providing for punishment by fine not exceeding

five hundred dollars (\$500), etc.; making the president of any corporation the chief managing executive of each association, and the active members of each firm and partnership and the trustees of each trust criminally responsible for the failure to comply with the terms of said Act, or for the violation of any of the terms or provisions thereof, or any rule or order duly adopted and promulgated by the said governmental agency under the terms of said Act; declaring it to be the legislative intent to enact each separate provision independent of the other provisions, and if any clause, sentence, or part of said Act shall be declared unconstitutional, the same shall not affect any other clause, sentence, or part of same, and declaring an emergency."

Senator Redditt offered the following amendment:

Amend House Bill No. 96 as follows:

Add after the word "trust" at end of Section 1, the following: "of which he has actual knowledge or to which he assents."

The amendment was adopted.

The rule requiring committee reports to lie over one day, was suspended, by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Redditt, the constitutional rule, requiring bills to be read on three several days, was suspended, and House Bill No. 96 was put on its third reading and final passage by the following vote:

## Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed  
by the following vote:

Yeas—28.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Present—Not Voting.

DeBerry.

Absent—Excused.

Fellbaum. Hopkins.

**Senate Bill No. 48.**

The Chair laid before the Senate  
on its second reading the following  
bill:

S. B. No. 48, A bill to be entitled  
"An Act providing for the validation  
of the organization of all defined dis-  
tricts organized as water improve-  
ment districts, the names of which  
have been changed to water power  
control districts, and providing for  
the validation of elections held in  
water power control districts for  
authorization of issuance of bonds  
and/or incurring debts and/or obli-  
gations, and providing for and au-  
thorizing any water power control  
district to make and enter into con-  
tracts with the United States of  
America and/or any agencies acting  
under laws passed by the Congress  
of the United States for the purpose  
of acquiring property and the con-  
struction of works and improvements  
for such water power control dis-  
tricts, when the authorization for the  
issuance of bonds shall have been  
authorized by an election in such  
district, and declaring an emer-  
gency."

The bill was read second time and  
passed to engrossment.

On motion of Senator Regan, the

constitutional rule requiring bills to  
be read on three several days, was  
suspended, and Senate Bill No. 48  
was put on its third reading and final  
passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

**House Bill No. 121.**

On motion of Senator Parr, the  
Senate granted unanimous consent to  
consider at this time the following  
bill:

H. B. No. 121, A bill to be entitled  
"An Act amending Sections 1 and 77,  
of Chapter 27, of the General and  
Special Laws passed by the Forty-  
second Legislature at its Third Called  
Session, approved September 21,  
1932: providing that navigation dis-  
tricts within this State, organized

under the provisions of Section 59, of Article XVI, of the Constitution, and under the provisions of Chapter 5 of the General Laws passed by the Thirty-ninth Legislature of the State of Texas at its Regular Session and acts amendatory thereof, or created, organized, existing, doing business or acting under any local and special law of the Legislature of the State of Texas, and purporting to have been enacted under the provisions of said Section 59, of Article XVI, which have voted bonds but not issued or otherwise finally disposed of same, shall be deemed as coming originally within the scope of said Act, and that no proceedings provided in Section 93 of said Act shall be required as a prerequisite to the exercise of the rights, powers, privileges, and benefits of such Act, etc., and declaring an emergency."

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule, requiring bills to be read on three several days, was suspended, and House Bill No. 121 was put on its third reading and final passage by the following vote:

**Yeas—29.**

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

**Absent—Excused.**

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Holbrook.
Blackert.	Hornsby.
Collie.	Martin.
Cousins.	Moore.
Duggan.	Murphy.
Greer.	Neal.

Oneal.	Russek.
Pace.	Sanderford.
Parr.	Small.
Patton.	Stone.
Purl.	Woodruff.
Rawlings.	Woodul.
Redditt.	Woodward.
Regan.	

**Nays—2.**

DeBerry. Poage.

**Absent—Excused.**

Fellbaum. Hopkins.

**House Bills Referred.**

H. B. No. 28, referred to the Committee on State Affairs.

H. B. No. 111, referred to the Committee on State Affairs.

H. B. No. 37, referred to the Committee on State Affairs.

H. B. No. 112, referred to the Committee on Counties and County Boundaries.

H. B. No. 114, referred to the Committee on Criminal Jurisprudence.

H. B. No. 119, referred to the Committee on State Affairs.

H. B. No. 121, referred to the Committee on Mining, Irrigation and Drainage.

H. B. No. 158, referred to the Committee on State Highways and Motor Traffic.

H. B. No. 163, referred to the Committee on Civil Jurisprudence.

H. B. No. 157, referred to the Committee on Game, Fish and Oysters.

H. B. No. 116, referred to the Committee on Agriculture.

**Senate Bill No. 67.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 67, A bill to be entitled "An Act to amend Article 1283, Title 30, Revised Civil Statutes of 1925, prescribing the conditions and amounts of bonds to be given by livestock commission merchants, and providing for notice of cancellation of such bonds, and declaring an emergency."

On motion of Senator Rawlings, the following amendment, which is a substitute, was adopted.

Amend Senate Bill No. 67 by striking out all below the enacting

clause, and inserting in lieu thereof the following:

"Section 1. That Article 1283, Revised Civil Statutes of 1925, be amended so as to hereafter read as follows:

"Article 1283. Conditions and Amount of Bond. Said bond shall be conditioned that such livestock commission merchant will faithfully obey and carry out all the terms and provisions of this law, and will faithfully and truly perform all agreements entered into with all the consignors, owners or those holding valid liens on said livestock with respect to receiving, handling, selling and making remittances and payments of the net proceeds thereof to the said named parties, or to the person, firm or corporation to whom said consignors, owners or valid lien holders shall direct such payments to be made; and said bond shall further provide and shall be conditioned that such commission merchant shall within forty-eight hours of the sale of livestock so consigned, excluding the day of sale, Sunday, and holidays, remit the net proceeds thereof to the parties rightfully entitled to receive the same, or to such person, firm or corporation to whom such parties shall direct the payment to be made, or shall within forty-eight hours of the sale of such livestock for said parties at interest deposit to the credit of such parties their respective interest in the net proceeds thereof in some State or National bank in the city or town where such livestock commission merchant has his principal office or place of business, if requested by any or all of the said parties at interest to do so. The amount of such bond shall be not less than the nearest multiple of one thousand (\$1,000) dollars above the average amount of sales and/or purchase of livestock by such livestock commission merchant during two business days, based on the total number of the business days, and the total amount of such sales and/or purchases in the preceding twelve (12) months, or in such part thereof in which such livestock commission merchant did business, if any. For the purpose of this computation, three hundred eight (308) shall be deemed the number of business days in a year. In any case, however, the

amount of bond shall be not less than two thousand (\$2,000) dollars; and when the sales and/or purchases, calculated as hereinbefore specified, exceed fifty thousand (\$50,000) dollars as to any particular livestock commission merchant, the amount of the bond need not exceed fifty thousand (\$50,000) dollars plus ten (10) per cent of the excess. Any person, firm or corporation who has not heretofore engaged in the business of a livestock commission merchant shall give bond in an amount adequate to cover the probable volume of business to be done by such merchant, the amount of bond to be fixed by the county judge of the county in which such livestock commission merchant has his principal office or place of business. After such livestock commission merchant, his successors or assigns, has engaged in such business for a period of twelve (12) months, then, the amount of such bond shall be determined as otherwise provided in this Act. Whenever in the judgment of the county judge of the county in which such commission merchant has his principal office or place of business, the condition of the business of any such livestock commission merchant is such as to render his bond inadequate, such bond, upon notice, shall be increased to an adequate amount as determined by such county judge. In case two or more livestock commission merchants are the employees or agents solely of the same principal, they may be covered by a single bond in an amount based on their combined purchases and/or sales determined in accordance with this Act. In any other case, two or more livestock commission merchants may be covered by a single bond; provided, however, that the amount of such combined bond shall be not less than the aggregate sum of individual bonds, determined in accord with this Act. All surety bonds, or their equivalents, shall contain a provision requiring that at least ten (10) days' prior notice in writing be given to the county judge of the county in which such commission merchant has his principal office or place of business by the party terminating such bonds or equivalents, in order to effect their termination.'

"Sec. 2. The fact that there is a conflict and duplication in the State

and Federal regulations as to the giving of bonds by livestock commission merchants, which results in an undue burden upon the livestock commission merchants of this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Rawlings sent up the following amendment:

Amend S. B. No. 67 by striking out all above the enacting clause, and inserting in lieu thereof the following:

"A bill to be entitled, an Act to amend Article 1283, Title 30, Revised Civil Statutes of 1925, prescribing the conditions and amounts of bonds to be given by livestock commission merchants, and giving to the county judge authority to fix and determine the amount of bond under certain conditions, and providing for notice of cancellation of such bonds, and declaring an emergency."

RAWLINGS.

The amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 67 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Motion to Recess.

Senator Poage moved to recess until 10 o'clock a. m. tomorrow.

The motion was lost by the following vote:

Yeas—10.

Collie.	Holbrook.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Redditt.
Greer.	Woodul.

Nays—16.

Blackert.	Parr.
Hornsby.	Purl.
Martin.	Rawlings.
Moore.	Regan.
Murphy.	Sanderford.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodward.

Absent.

Beck. Small.  
Russek.

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 44.

Senator Blackert moved to take up and consider the following bill out of its regular order:

S. B. No. 44, A bill to be entitled "An Act to amend Article 7065a-13 (a) of Revised Civil Statutes of Texas, being Section 13 (a) of Chapter 44, page 75, of the General Laws

of the Forty-third Legislature, so as to entitle all incorporated municipalities in Texas to a refund of motor fuel taxes paid on motor fuel used in the operation of motor vehicles owned and operated for public purposes only by said incorporated municipalities."

#### Motion to Recess.

Senator Hornsby moved to recess until 9:45 o'clock a. m. tomorrow.

The motion was lost by the following vote:

#### Yeas—10.

Collie.	Pace.
Greer.	Patton.
Holbrook.	Poage.
Hornsby.	Purl.
Martin.	Redditt.

#### Nays—14.

Blackert.	Parr.
Cousins.	Rawlings.
DeBerry.	Regan.
Moore.	Sanderford.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.

#### Absent.

Beck.	Small.
Duggan.	Woodward.
Russek.	

#### Absent—Excused.

Fellbaum.	Hopkins.
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The question recurs on the motion of Senator Blackert to take up S. B. No. 44.

#### Point of Order.

Senator Murphy raised the point of order that the merits of the bill were being discussed and not the motion before the Senate.

The Chair overruled the point of order.

#### Recess.

Senator Rawlings moved to recess until 8:10 o'clock p. m. tonight.

The motion prevailed by the following vote:

#### Yeas—14.

Cousins.	Greer.
Duggan.	Holbrook.

Hornsby.
Moore.
Murphy.
Neal.
Purl.

Rawlings.
Regan.
Sanderford.
Woodruff.
Woodward.

#### Nays—11.

Blackert.	Parr.
Collie.	Patton.
DeBerry.	Poage.
Martin.	Redditt.
Oneal.	Woodul.
Pace.	

#### Absent.

Beck.	Small.
Russek.	Stone.

#### Absent—Excused.

Fellbaum.	Hopkins.
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#### After Recess.

The Senate was called to order, pursuant to recess, at 8:20 o'clock p. m., by Lieutenant Governor Edgar E. Witt.

#### House Bill No. 116.

On motion of Senator DeBerry the Senate granted unanimous consent to consider at this time the following bill:

H. B. No. 116, A bill to be entitled "An Act amending Articles 5740, 5742, 5744, and 5757, of the Revised Civil Statutes of Texas, 1925, relating to co-operative marketing associations, said articles being a portion of what is commonly known as the 'Co-operative Marketing Act of Texas,' and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 116 was put on its third reading and final passage by the following vote:

#### Yeas—29.

Beck.	Cousins.
Blackert.	DeBerry.
Collie.	Duggan.



Greer.	Purl.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Murphy.	Sanderford.
Neal.	Small.
Oneal.	Stone.
Pace.	Woodruff.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Absent—Excused.

Hopkins. Fellbaum.

Read third time and finally passed  
by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

**House Bill No. 158.**

On motion of Senator Rawlings,  
the Senate granted unanimous con-  
sent to take up and consider at this  
time the following bill:

H. B. No. 158, A bill to be entitled  
"An Act fixing a limitation period  
of two years for the bringing of  
suits of any kind on account of the  
closing and abandonment of public  
streets or alleys or public roads or  
thoroughfares, or any parts thereof,  
other than State highways, by ordi-  
nance of the governing body of a  
city or town or by order of the com-  
missioners' court of a county; etc.,  
and declaring an emergency."

The rule requiring committee re-  
ports to lie over one day was sus-  
pended by unanimous consent.

The committee report recommend-  
ing that the bill be not printed was  
adopted by unanimous consent.

The bill was read second time and  
passed to third reading.

On motion of Senator Rawlings  
the constitutional rule requiring bills  
to be read on three several days was  
suspended and H. B. No. 158 was  
put on its third reading and final  
passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Hopkins. Fellbaum.

Read third time and finally passed  
by the following vote:

Yeas—25.

Beck.	Patton.
Blackert.	Poage.
Cousins.	Purl.
Duggan.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hornsby.	Sanderford.
Martin.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Present—Not Voting.

Collie.	Moore.
DeBerry.	Russek.

Absent—Excused.

Fellbaum. Hopkins.

**House Bill No. 73.**

On motion of Senator Cousins the  
Senate granted unanimous consent  
to take up and consider at this time  
the following bill:

H. B. No. 73, A bill to be entitled  
"An act amending Chapter 49, Acts

of the Forty-third Legislature, First Called Session, page 145 (Art. 3886-b), providing for the maximum compensation of assistant county attorneys and other employees of the county attorney in all counties in the State having a population of 100,000 inhabitants, and not more than 150,000 inhabitants, and containing two cities of 50,000 population or more each, according to the last preceding Federal Census; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cousins the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 73 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford,
Martin.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Murphy.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—23.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Poage.
Holbrook.	Rawlings.
Hornsby.	Redditt.
Martin.	Regan.
Moore.	Russek.
Oneal.	Sanderford.

Small.  
Stone.  
Woodruff.

Woodul.  
Woodward.

Nays—3.

DeBerry. Neal.  
Murphy.

Present—Not Voting.

Beck. Purl.  
Greer.

Absent—Excused.

Fellbaum. Hopkins.

Senate Bill No. 38.

On motion of Senator Neal the Senate granted unanimous consent to take up and consider at this time the following bill:

S. B. No. 38, A bill to be entitled "An Act to regulate the conducting in public competition for prizes, awards or admission fees, any personal, physical or mental endurance contests; regulating the manner in which contestants may participate in such contests; prescribing the penalties for violation of this Act; providing for certain exceptions to this Act; declaring that any house, structure, building, place or open air space that is being used for purposes in violation of the provisions of this Act is declared to be a nuisance; providing that any person who knowingly maintains or assists in maintaining of such place is guilty of maintaining a nuisance, authorizing the Attorney General or the district attorney or county attorney under certain circumstances to enjoin and abate such nuisance; prescribing the character of judgment that shall be entered against the continuance of such nuisance; providing certain conditions with reference to bonds to be furnished in such cases; repealing Chapter 204, page 337 of the Acts of the Forty-second Legislature, 1931; prescribing penalties for violation, and declaring an emergency."

Senator Neal sent up the following amendment:

Amend S. B. No. 38 by striking out in line 23, page 1 of the printed bill the words "and declaring an emergency."

NEAL.

The amendment was adopted.

Senator Neal sent up the following amendment:

Amend S. B. No. 38 by striking out all of Section 10 of the printed bill.

NEAL.

The amendment was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 38 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by viva voce vote.

The following senators were recorded as voting "nay" on the bill:

Senator Holbrook.

Senator Poage.

Senator Excused.

On motion of Senator Cousins, Senator Hopkins was excused for the day on account of important business.

#### House Bill No. 62.

On motion of Senator Regan, the Senate granted unanimous consent to take up and consider at this time the following bill:

H. B. No. 62, A bill to be entitled "An Act validating refunding bonds issued by certain water improvement districts under authority of Acts, 1933, Forty-third Legislature, page 171, Chapter 78; authorizing a re-

levy to be made for prior years where part of all the bonded indebtedness of such water improvement districts has been refunded, so as to reduce or eliminate certain levies no longer needed; providing for remission of penalties and interest in certain cases of delinquent taxes levied by such water improvement districts; providing that the unconstitutionality of any part or parts of this Act shall not affect the validity of the remaining parts thereof, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading.

On motion of Senator Regan, the constitutional rule, requiring bills to be read on three several days, was suspended, and House Bill No. 62 was put on its third reading and final passage by the following vote:

Yeas—29.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Absent—Excused.

Fellbaum. Hopkins.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Greer.	Rawlings.
Holbrook.	Redditt.
Hornsby.	Regan.
Martin.	Russek.
Moore.	Sanderford.
Murphy.	Small.
Neal.	Stone.

Woodruff. Woodward.  
Woodul.

Absent—Excused.

Fellbaum. Hopkins.

### Recess.

On motion of Senator Cousins, the Senate, at 8:55 o'clock p. m., recessed until 10 o'clock a. m., tomorrow.

### APPENDIX.

(Telegram.)

### Communications.

Dallas, Texas, Feb. 22, 1934.

To Hon. Edgar E. Witt, Lieutenant Governor of the Senate.

We respectfully request the following to be read to Members of the Senate and that it be given immediate consideration. Failure to sell State Relief Bonds and consequent exhaustion of State Relief Funds precipitates situation wholly beyond resources of city and county governments. We have consulted competent legal authority and believe bonds previously authorized and to be authorized will be salable if these four provisions included in Act to-wit: 1. Make bonds eligible to secure at par, State, county and municipal deposits. 2. Eliminate option to redeem bonds before maturity. 3. Increase permissible interest rate to four and one-half per cent. 4. Provide that Legislature shall appropriate money required for annual interest and principal. We cannot impress too strongly the utter inability of local governments to finance relief and the distress and disorder that will prevail in event State Relief Funds not continued. Throughout the State fifteen per cent of population are wholly dependent upon relief. The situation represents an emergency.

League of Texas Municipalities by Walter Nelson, President; Dallas city Government by Chas. E. Turner Mayor of Commissioners' Court of Dallas County, Texas, by Robert Ogden, County Judge.

Corsicana, Texas, Feb. 21, 1934.  
Senator Margie E. Neal,  
State Capitol, Austin, Texas.  
Congratulations to you and Mem-

bers of Senate in putting over Texas Centennial Bill which will mean much for future advancement of Texas. At meeting of Executive Committee Texas Press. Full house special, the "New Deal Train" that will visit North and East in April advertising Texas, I was instructed to wire Members of Senate through you that we would take advantage of opportunity to not only advertise Texas on this tour but to broadcast news of our Centennial in 1936, if Centennial Bill passes House, our delegation will co-operate with Texas Centennial Commission in seeking liberal Federal aid while in Washington from Act of Senate in supporting Centennial Bill. Texas is starting big project that will be well worthwhile, in which all patriotic Texans can participate. Best regards.

Lowry Martin, general chairman, Texas Press Fullhouse Special New Deal Train.

### Committee Reports.

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 23, A bill to be entitled "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by S. B. No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto Section (a-1) relating to payment of refunding eligible obligations of counties and defined road districts; etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, with Committee Amendment No. 1 and be printed in the Journal.

WOODUL, Vice-Chairman.

By Parr. S. B. No. 23.

### A BILL

To be entitled

An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto subdivision (o) relating to payment of refunding

eligible obligations of counties and defined road districts; and providing that the Board of County and District Road Indebtedness may continue to contribute and pay on such refunding bonds at the same rates and in the same amount it would have paid under the rates and maturities on such indebtedness before same was refunded: Providing that any reduction of interest on refunding bonds shall inure to the county so refunding; and providing for the written consent and approval of such board by the commissioners' court before refunding, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by S. B. No. 300, passed by the Regular Session of the Forty-third Legislature, be, and the same is hereby amended by adding thereto subdivision (c), reading as follows:

"(c) When the county commissioners' court of any county in this State shall exercise the authority now conferred by law and shall refund any eligible debt of the county or of any defined road district in such county wherein the interest rate provided for in such refunding obligations shall be less than the interest rate on the obligations so refunded, and the holders of the bonds or obligations so refunded agree to accept such refunding bonds at such lower rate of interest in lieu of the bonds or obligations so refunded, or if the holders of such eligible indebtedness shall agree to accept payment of a lower rate of interest on such indebtedness without a refunding thereof, in either of such events the Board of County and District Road Indebtedness may continue to contribute to and pay on such refunding bonds at the same interest rates and in the same amount that it would have paid on such indebtedness under the rates and maturities on such indebtedness before the same was refunded or the interest thereon was reduced as hereinbefore provided. The intent and purpose of this Act is that any saving of interest effected on any eligible debt of any county or any defined road district

in any refunding or interest reduction operation shall inure to the benefit of such county or defined district."

Sec. 2. The fact that the present law does not provide for the saving of interest to counties and defined road districts by means of refunding operations, and that counties and road districts now in financial distress by the use of funds now granted to them by law will be enabled to refund their eligible debts and bring the same out of default by reason of the authority herein granted to the Board of County and District Road Indebtedness, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage and approval, and it is so enacted.

Senator Woodward sent up the following amendments:

Amend S. B. No. 23 by striking out Sections Nos. 1 and 2, and inserting in lieu thereof the following:

Section 1. That Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by S. B. No. 300, passed by the Regular Session of the Forty-third Legislature, be and the same is hereby amended by adding thereto Section (a-1) reading as follows:

Section 7 (a-1). When the county commissioners' court of any county in this State shall exercise the authority now conferred by law and shall refund any eligible debt of the county or of any defined road district in such county wherein the interest rate provided for in such refunding obligations shall be less than the interest rate on the obligations so refunded, and the holders of the bonds or obligations so refunded agree to accept such refunding bonds at such lower rate of interest in lieu of the bonds or obligations so refunded, or if the holders of such eligible indebtedness shall agree to accept payment of a lower rate of interest on such indebtedness without a refunding thereof, in either of such events the Board of County and District Road Indebtedness may continue to contribute and pay on such refunding bonds at the same

rate and in the same amount that it would have paid on such indebtedness under the rates and maturities on such indebtedness before the same was refunded or the interest thereon was reduced as hereinbefore provided; provided, however, that the written consent and approval of the Board of County and District Road Indebtedness shall first be obtained by the county commissioners' court of such county. The intent and purpose of this Act is that any saving of interest effected on any eligible debt of any county or any defined road district in any refunding or interest reduction operation shall inure to the benefit of such county or defined district.

Sec. 2. The fact that the present law does not provide for the saving of interest to counties and defined road districts by means of refunding operations, and that counties and road districts now in financial distress by the use of funds now granted to them by law will be enabled to refund their eligible debts and bring the same out of default by reason of the authority herein granted to the Board of County and District Road Indebtedness, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is suspended, and this Act shall take effect and be in force from and after its passage and approval, and it is so enacted.

WOODWARD.

Amend S. B. No. 23 by striking out all above the enacting clause and inserting in lieu thereof the following:

S. B. No. 23, A bill to be entitled "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by S. B. No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto Section (a-1) relating to payment of refunding eligible obligations of counties and defined road districts; and providing that the Board of County and District Road Indebtedness may continue to contribute and pay on such refunding bonds at the same rates and in the same amount it would have paid under the rates and maturities on such indebtedness

before same was refunded; providing that any reduction of interest on refunding bonds shall inure to the county so refunding; and providing for the written consent and approval of such board by its commissioners' court before refunding; and declaring an emergency."

WOODWARD.

Senator Martin sent up the following amendment:

Amend Senate Bill No. 23, by adding thereto an amendment of Subsection A, of Section 7, of Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as follows:

"Section 7 (a). All bonds, warrants or other evidences of indebtedness heretofore issued by counties or defined road districts of the State, which mature on or after January 1, 1933, and insofar as the amounts of same were issued for, and the proceeds actually expended in, the construction of roads that constituted and comprised a part of the system of designated State Highways on September 17, 1932, or that theretofore constituted a part of said system and which has either been changed, relocated or abandoned, whether said indebtedness is now evidenced by the obligations originally issued or by the refunding obligations or both; and all bonds, warrants or other evidences of indebtedness which have been issued and sold since September 17, 1932, or which may be hereafter issued and sold by any county or district for the purpose of constructing any designated State highway pursuant to a contract existing on or before September 1, 1932, between the State Highway Department and any such county or district, shall be eligible to participate as of January 1, 1933, in the distribution of moneys coming into said county and road district highway fund subject to the provisions of this Act, less, however, the amount of the sinking fund which was required to be accumulated in such funds of the respective counties and districts.

"It being expressly provided in this connection that the term 'sinking funds' required shall include only those funds accumulated, and required to be accumulated, under now existing laws for the retirement of

bonds, and shall not include any excess or surplus which may have been accumulated by any county or road district above the legal requirements. The sinking fund requirement on all eligible issues whose bonds mature at one time, regardless of optional dates, shall be computed on a straight line method and the sinking fund requirements on all eligible issues whose bonds mature serially shall be computed on the constitutional two per cent (2%) annual basis. The amount of State participation in the interest maturing shall be reduced to conform with the amount of bonds in which the State is eligible to participate. The amount of the eligible indebtedness is to be determined as hereinafter provided.

"In the event the State Highway Commission has on a date prior to September 17, 1932, indicated its intention of designating as State Highways, the public roads of any county or road district in this State, and has recorded such intention in its official records, then the provisions of this Act shall apply.

"If any county or road district refuses or fails to pay its required portion of any maturity within twelve (12) months after date of maturity, then the amount which the State is eligible to pay on that maturity, shall be withdrawn, and the county or road district shall be required to pay the full maturity, and without State participation.

"The determination of the board of county and district road indebtedness, as provided for in this Act, shall be final and conclusive and shall not be subject to review in any other tribunal, and the board shall not consider any applications for participation in the county and road district highway fund, filed after thirty (30) days from the effective date of this Act.

"Section 2. The fact that the present law covering the subject matter of this Act, is inadequate, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days, in both Houses, be suspended, and such rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

MARTIN.

Committee Room,  
Austin, Texas, Feb. 15, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 23, A bill to be entitled "An Act amending Section 7 of Chapter 13 of the Third Called Session of the Forty-second Legislature as amended by Senate Bill No. 300, passed by the Regular Session of the Forty-third Legislature, by adding thereto subdivision (c) relating to payment of refunding eligible obligations of counties and defined road districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 125, A bill to be entitled "An Act to amend Article 920 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs can be discharged on habeas corpus by showing that he is too poor to pay the fine and costs, and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar (\$1.00) for each day; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODRUFF, Chairman.

By Bourne, et al. H. B. No. 125.

A BILL

To Be Entitled

An Act to amend Article 920 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that a defendant placed in jail on account of failure to pay the fine and costs can be discharged on habeas corpus by showing that he is too poor to pay the

fine and costs, and that he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar (\$1.00) for each day; providing further that a justice of the peace may discharge the defendant upon his showing the same cause by application to such justice, providing that in no event shall the defendant be discharged until he has remained in jail at least ten (10) days; and requiring the justice to note the granting of such application on his docket, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 920 of the Code of Criminal Procedure of the State of Texas for 1925, be amended so the same shall hereafter read as follows:

"Article 920. A defendant placed in jail on account of failure to pay the fine and costs can be discharged on habeas corpus by showing:

1. That he is too poor to pay the fine and costs, and

2. That he has remained in jail a sufficient length of time to satisfy the fine and costs, at the rate of one dollar (\$1.00) for each day.

But the defendant shall in no case under this Article be discharged until he has been imprisoned at least ten (10) days; and a justice of the peace may discharge the defendant upon his showing the same cause, by application to such justice; and when such application is granted, the justice shall note the same on his docket."

Sec. 2. The fact that the present Article 920 is in conflict with Article 793 as amended in 1927 and confusion has arisen over the State creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 99, A bill to be entitled

"An Act amending Section 5 of Chapter 26, Acts Forty-second Legislature, First Called Session, providing for the control of refineries, requiring reports of same, authorizing the Railroad Commission agents to inspect refinery properties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with committee amendments.

WOODRUFF, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 99 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. That Section 3, Chapter 2, Acts of Forty-second Legislature, Fourth Called Session, be, and the same is hereby amended so that it shall thereafter read as follows:

"Section 5. The Commission shall have the power and it shall be its duty from time to time to inquire into the production, storage, transportation, marketing and refining of crude petroleum oil and of natural gas, and the market demand therefor, in order to determine whether or not waste exists or is imminent or whether the conservation laws of Texas or the orders of the Railroad Commission are being violated. The Commission shall have the right to require every producer, storer, transporter, and refiner of crude oil or of natural gas to keep accurate records of and to make and file with the Commission sworn statements or reports as to facts within the knowledge or possession of such persons, corporations or companies pertaining to the production, storage, transportation, marketing and refining of crude petroleum oil or natural gas, and the market demand therefor and shall require any well, tank or storage, or gathering line under the control of any such person, corporation or company to be inspected, or gauged, whenever and as often and for such periods as the Commission may specify; and the Commission and its agents may likewise examine the books and records of any such person or company for the purpose of ascertaining the facts concerning the matters and things hereinabove set forth.



Sec. 2. The fact that the Railroad Commission, under court decisions, does not, at this time, have jurisdiction over refineries, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House, be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Amendment No. 2.

Amend H. B. No. 99 by striking out the enacting clause and inserting in lieu thereof the following:

An Act amending Section 3, Chapter 2, Acts of the Forty-second Legislature, Fourth Called Session, authorizing and requiring the Railroad Commission of Texas to inquire into the production, storage, transportation, marketing and refining of crude oil and natural gas and the market demand therefor; authorizing the said Commission to require producers, storers, transporters, marketers and refiners of crude oil to keep records pertaining to their business and to make and file such reports pertaining to their business as said Commission may require; authorizing and requiring said Commission's agents to examine such records and to inspect the properties of producers, storers, transporters, marketers or refiners of crude oil or natural gas, and declaring an emergency.

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 96, A bill to be entitled "An Act to amend Section 9 of Article 1112-b of the Penal Code of the State of Texas, being Section 9 of an Act of the Forty-third Legislature, passed at its Regular Session, Chapter 165, page 422, by providing for punishment by fine not exceeding five hundred dollars (\$500), or imprisonment in the county jail not exceeding six (6) months, or both such fine and imprisonment, of any person who shall violate any of the provisions of Section 5, 5-a or 5-b of the Acts of the Forty-third Legislature,

or any rule or order duly adopted and promulgated by the governmental agency under the terms of the Act of the Regular Session, being Chapter 165, page 422, and making it a felony, by punishment in the State Penitentiary for not less than two (2) nor more than four (4) years, for any person to violate any of the other provisions of this Act, or who shall fail to comply with the terms of any rule, regulation or order adopted and promulgated by the governmental agency under the provisions of said Act, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass with accompanying committee amendment, and be not printed.

WOODRUFF, Chairman.

Committee Amendment.

Amend House Bill No. 96, as follows:

Add after the word "trust" at end of Section 1, the following: "of which he has actual knowledge or to which he asserts."

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 74, A bill to be entitled "An Act to amend Article 1134 of the Revised Civil Statutes of Texas of 1925, by providing that no new election shall be had within two years of the date of an election whereby a town or village is incorporated under the General Laws of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 73, A bill to be entitled "An Act to amend Articles 1847 and

1848, Chapter 3, Title 39 of the Revised Statutes of 1925, as amended by Chapter 64, page 98, of the Acts of the Regular Session of the Forty-second Legislature, so as to provide for the filing of records in the order received in the Court of Civil Appeals, and for setting of cases for submission in said Court and for notice thereof to the parties of the receipt of the record and instruments by the clerk and the date set for submission, and so as to provide for time for filing briefs in the Court of Civil Appeals, and authorizing the granting of further time for filing briefs in said Court, and for extension of time for submission of cases in said Court, and repealing Article 2283 of the Revised Statutes of 1925, and repealing all laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 43, A bill to be entitled "An Act amending Article 6032, Title 102, Revised Civil Statutes of 1925, as amended by Chapter 26, Acts of the Forty-second Legislature, First Called Session, and Chapter 162, Acts of the Forty-third Legislature; appropriating the proceeds of the tax derived by the provisions of Article 6032 to the Railroad Commission of Texas for the enforcement of the oil and gas laws of this State; authorizing the Railroad Commission to employ such other help, whether executive, expert, clerical or otherwise, in the fields, and to incur such other expenses as are necessary to enforce the conservation laws of this State relating to oil and gas and the orders of the Commission promulgated pursuant thereto; amending the appropriation for Oil and Gas Division of the Railroad Commission as contained in H. B. No. 167, Chapter 166, General Laws of Texas, Forty-third Legislature, Regular Session, 1933, page 497, levying a tax

of one-eighth of one cent per barrel of forty-two (42) standard gallons of crude petroleum produced within this State; further amending provisions of H. B. No. 167, Chapter 166, of the Regular Session of the Forty-third Legislature; and further authorizing additional employees and their expenses to be paid out of said tax after payment of all amounts appropriated in the general appropriation bill for the support of the oil and gas division, fixing their salaries and limiting the number; providing if any person whose salary is paid out of the funds herein provided for uses his time or a State-owned automobile for campaign purposes he shall be subjected to fine and imprisonment; providing for employment by the Commission of suitable person or persons to perform the services set forth in Article 6005, Title 102, Revised Civil Statutes of Texas of 1925; providing that if any portion of this Act be held unconstitutional it shall not affect the remaining sections, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, with attached committee amendments, and be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 65, A bill to be entitled "An Act establishing a uniform method whereby any legal subdivision of this state may effect a composition of creditors for the purpose of paying off the indebtedness incurred by it through the issuance and sale of bonds and/or warrants, and thereby providing prompt relief for those subdivisions unable to meet such indebtedness in full because of the prevailing unprecedented economic condition; and, declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Hornsby, Small S. B. No. 65.  
and Moore.

# A BILL

To be entitled

An Act establishing a uniform method whereby any legal subdivision of this State may effect a composition of creditors for the purpose of paying off the indebtedness incurred by it through the issuance and sale of bonds and/or warrants, and thereby providing prompt relief for those subdivisions unable to meet such indebtedness in full because of the prevailing unprecedented economic condition; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any district court located in the subdivision involved shall have original jurisdiction of the proceedings hereinafter set out.

## Sec. 2. Definitions:

(a) Legal subdivision—Any city, town, village, county, municipality, independent school district, etc., within the State of Texas, including the State or its agents.

(b) Creditors—The lawful holders of bonds and/or warrants issued and sold by a legal subdivision.

(c) Debts or indebtedness—Bonds and/or warrants issued and sold by a legal division.

Sec. 3. Any legal subdivision through its legal representative may file a petition or, in an action brought by creditors to foreclose, an answer stating that it is unable to meet its indebtedness and that it desired to affect a composition of all creditors. Upon the filing of such petition or answer the judge shall enter an order approving it, if he is satisfied that such petition or answer has been filed in good faith. If such petition or answer is approved, an order allowing such composition shall be entered only as hereinafter provided:

(a) After the filing of such petition or answer, the court shall promptly call the first meeting of creditors by issuance and service of citation as required under existing statutes, stating in said citation that the subdivision proposes to offer terms of composition, enclosing therewith a summary of the inventory, a brief statement of the indebtedness as shown by the schedules

made up and filed by the subdivision with its petition or answer, with the approval of the court by way of a notation of the judge that upon his review of the inventory and schedule the subdivision's offer of composition as set out in the petition or answer is just and equitable, and a list of the names and addresses of the creditors, but if addresses are unknown this shall be indicated, with the amounts owing to each as shown by the schedule, and that the taxable value of the property within the subdivision as shown by the schedule is not sufficient to yield the amount due and owing on the indebtedness.

(b) Any creditor may appear at or before the first meeting and controvert the facts alleged in the petition or answer. In this event the court shall determine as soon as may be the issues presented, without the intervention of a jury, and unless the material allegations are sustained by the proof the court shall dismiss the petition.

## (c) At the first meeting:

(1) Records of the subdivision may be examined,

(2) The court shall after hearing the parties in interest, fix a reasonable time within which application for confirmation shall be made, and the court may later extend such time for cause shown.

(d) An application for the confirmation of the composition may be filed in the court after but not before it has been accepted in writing by all creditors, and the consideration to be paid by the subdivision to its creditors has been deposited in such place as shall be designated by and subject to the order of the court.

(e) A date shall be fixed for the hearing upon each application for a confirmation of the composition and such objections as may be made to its confirmation.

(f) The court shall confirm the proposal if satisfied that:

(1) It includes an equitable and feasible method of liquidation for creditors whose claims are effected and of financial rehabilitation for the subdivision.

(2) It is for the best interests of all creditors.

(3) The subdivision, through its governing body, has not been guilty of or failed to perform any duty that would amount to fraud.

(4) And the offer and its acceptance are in good faith, and have not been made or procured except as herein provided.

(g) Upon the confirmation of such composition the consideration shall be distributed as the court shall direct and such order of confirmation and distribution shall have the same force and effect as a final judgment, and shall be binding on all creditors of such subdivision, including the State of Texas if the State is a creditor as defined in this Act.

(h) The judge may upon application of the parties in interest, file at any time within six months after the composition, set the same aside, and reinstate the case if it shall be made to appear upon a trial that fraud was practiced in the procurement of said composition, and knowledge thereof has come to the petitioner since the confirmation thereof.

Sec. 4. (a) If the debtor has failed to make the required deposit, or (b) the confirmation has been denied; the petition or answer shall be dismissed with costs against the subdivision.

Sec. 5. The filing of the subdivision's petition or answer seeking relief under this Act shall subject the subdivision and all its taxable property to the exclusive jurisdiction of the court in which the order approving the petition or answer is filed.

Sec. 6. When the State of Texas, through its permanent school fund, is a creditor herein, it shall in all respects be classed as other creditors and the State Board of Education shall review the findings of the court relative to the ability of the subdivision to pay said indebtedness. If it shall appear to the board that such findings are just and equitable, the board shall pass an order, the same to be recorded in the minutes of the board, approving the findings, and a certified copy of this order shall be forwarded to the Attorney General for presentation by him to the court.

Sec. 7. Emergency clause. The fact that the subdivisions of this State are greatly in debt and that some of the subdivisions will be forced to have a receiver appointed, which will result in undue expenses to the subdivisions, and also deprive the creditors of an adequate relief, creates an emergency and an impera-

tive public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, and the rule is hereby suspended and this Act shall take effect and be in force from and after its final passage; and it is so enacted.

Committee Room,

Austin, Texas, Feb. 16, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. C. R. No. 25, Granting Noel P. Smith permission to sue the State of Texas.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a majority of your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 10, A bill to be entitled "An Act amending Section 5 of Chapter 88 of the General Laws of the Forty-first Legislature, Second Called Session, regulating the amount of license fees for motorcycles and passenger cars, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

RAWLINGS, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, a minority of your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 10, A bill to be entitled "An Act amending Section 5 of Chapter 88 of the General Laws of the Forty-first Legislature, Second Called Session, regulating the amount of license fees for motorcycles and passenger cars, etc."

Have had the same under con-

sideration, and beg to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS,  
POAGE.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 158, A bill to be entitled "An Act fixing a limitation period of two years for the bringing of suits of any kind on account of the closing and abandonment of public streets or alleys or public roads or thoroughfares, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RAWLINGS, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. B. No. 116, A bill to be entitled "An Act amending Articles 5740, 5742, 5744 and 5757 of the Revised Civil Statutes of Texas of 1925, relating to co-operative marketing associations, said articles being a portion of what is commonly known as the Co-operative Marketing Act of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

DeBERRY, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 106, A bill to be entitled "An Act prohibiting fishing in Lake Brownwood in Brown County until May 15, 1935; prohibiting fishing at any time except during the open season provided in this Act; fixing the open season after May 15, 1935,

from May 15 to February 1; prohibiting the possession of any fishing tackle or fishing device on the waters of Lake Brownwood at any time except during the open season; fixing a penalty for violation of this Act; repealing all laws or parts of laws in conflict with this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 21, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 81, A bill to be entitled "An Act amending Article 879 and Article 879-B of Chapter 6, Title 13, Revised Criminal Statutes of Texas, 1925, as amended by Acts of the Fourth Called Session of the Forty-first Legislature, page 29, Chapter 19, providing an open season or period of time when it shall be lawful to hunt, take, or kill wild mourning doves, wild quail of all kinds and wild Mexican pheasants, or chachalaca, in the north and south zones as such zones are defined in Article 878 of the Revised Penal Code as amended by Chapter 222, page 326, Acts of the Fortieth Legislature, Regular Session, and in the South White Wing Zone; repealing any provision of law in conflict with this Act; making it unlawful to hunt, take or kill wild mourning doves, wild quail of all kinds, wild Mexican pheasants or chachalaca at any other time of year; providing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 18, 1934.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Game, Fish and Oysters, to whom was referred

H. B. No. 66, A bill to be entitled

"An Act making it unlawful for any person to hunt, trap, ensnare, kill, or attempt to kill any wild deer, buck, doe, fawn or wild turkey in the Counties of Hemphill, Roberts, Hutchinson, Potter, Randall, Armstrong, Montague and Briscoe; prescribing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with Committee Amendments Nos. 1 and 2 attached with recommendation that it do pass, and be not printed.

REDDITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 86, A bill to be entitled "An Act to amend S. B. No. 111, passed at the Third Called Session of the Thirty-eighth Legislature, as amended by Paragraphs 16 and 59 of Article 199 of the Revised Civil Statutes of Texas of 1925, which article provides for judicial districts of the State; and which Paragraph 15 defines the Fifteenth Judicial District and determines the date and length of term of such District Court in Grayson County; and which Paragraph 59 defines the Fifty-ninth Judicial District and determines the date and length of term of such district court in each of the counties of said district, namely, Grayson and Collin Counties; providing a method for impaneling grand juries in said judicial districts, providing a method of transferring cases from one court to the other; providing who shall be the clerk of said courts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WOODUL, Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

H. B. No. 121, A bill to be entitled "An Act amending Sections 1 and

77 of Chapter 27 of the General and Special Laws passed by the Forty-second Legislature at its Third Called Session, approved September 21, 1932, providing that navigation districts within this State organized under the provisions of Section 59 of Article 16 of the Constitution, and under the provisions of Chapter 5 of the General Laws passed by the Thirty-ninth Legislature of the State of Texas at its Regular Session, and Acts amendatory thereof, or created, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

REGAN, Vice-Chairman

Committee Room,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 112, A bill to be entitled "An Act to amend Article 1650 of the Revised Civil Statutes of Texas of 1925, with respect to the authority of the county auditor to appoint assistants, and limiting the number thereof in certain counties; providing for the hearing, approval and certification of such appointments by the district judge or district judges having jurisdiction in certain counties; providing requirements concerning the qualifications, duties and compensation of such assistants; providing for stationery and equipment for such auditors in all counties having a county auditor; repealing all laws or parts of laws in conflict herewith; but providing that nothing herein shall repeal Article 1673 as amended by Chapter 175, Acts Forty-third Legislature, Regular Session, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PACE, Vice-Chairman.

Committee Room,  
Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Edu-

cational Affairs, to whom was referred

H. B. No. 107, A bill to be entitled "An Act creating Indian Village Independent School District of Polk County, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 22, 1934.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 95, A bill to be entitled "An Act amending Article 1119 of the Revised Civil Statutes of Texas, of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas, and to limit the earnings of persons, companies or corporations, coming within the provisions of said article to an amount not exceeding a fair return upon the fair value of the property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum; repealing all laws and parts of laws in conflict herewith; providing if any part of the Act is declared unconstitutional it shall not affect the validity of the remainder of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

COLLIE, Chairman.

By Tennyson, et al. H. B. No. 95.

A BILL

To Be Entitled

An Act amending Article 1119 of the Revised Civil Statutes of Texas, of 1925, so as to make its provisions apply to all incorporated cities or towns incorporated under the General Laws of the State of Texas, and to limit the earnings of persons, companies or corporations, coming within the provisions of said Article to an

amount not exceeding a fair return upon the fair value of the property used and useful in rendering its service to the public; which return shall never exceed ten per cent (10%) per annum; repealing all laws and parts of laws in conflict herewith; providing if any part of the Act is declared unconstitutional it shall not affect the validity of the remainder of the Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1119 of the Revised Civil Statutes of Texas, of 1925, be amended so as to hereafter read as follows:

"Article 1119. The governing body of all incorporated cities and towns in this State incorporated under the General Laws thereof, shall have the power to regulate, by ordinance, the rates and compensation to be charged by all persons, companies or corporations using the streets and public grounds of said city or town, and engaged in furnishing water, gas, telephone, light or sewerage service to the public, and also to prescribe rules and regulations under which such commodities shall be furnished, and service rendered, and to fix penalties to enforce such charges, rules and regulations. The governing body shall not prescribe any rate or compensation which will yield more than a fair return upon the fair value of the property used and useful in rendering its service to the public, but which return in no event shall ever exceed ten per cent (10%) per annum."

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. If any provision of this Act shall be declared to be unconstitutional or invalid it shall not invalidate or affect any other provisions hereof.

Sec. 4. The fact that the Supreme Court of Texas, in a recent decision, has declared invalid and unconstitutional those provisions of Article 1119 authorizing cities of over five hundred (500) population to regulate rates and service of public utilities and those provisions thereof limiting the rate of return to ten per cent (10%), creates an emergency and an imperative public necessity that the constitutional rule

requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### SIXTEENTH DAY—Continued.

Senate Chamber,

Austin, Texas.

February 23, 1934.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

#### Senate Bill No. 44.

The question recurs on the motion of Senator Blackert, to take up out of its regular order, Senate Bill No. 44, relating to refund of motor fuel taxes to certain cities.

#### Point of Order.

Senator Rawlings raised the point of order that Senator Holbrook's time had expired for debate on the bill.

The Chair sustained the point of order.

The motion to take up the bill prevailed by the following vote:

#### Yeas—23.

Blackert.	Parr.
Collie.	Purl.
Cousins.	Rawlings.
Duggan.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Sanderford.
Moore.	Small.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

#### Nays—5.

Beck.	Holbrook.
DeBerry.	Poage.
Greer.	

#### Absent.

Patton.	Stone.
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#### Absent—Excused.

Fellbaum.

Senator Moore sent up the following amendment:

Amend Senate Bill No. 44, line 23, Section 1, by adding between the words "owned" and "and" the word "exclusively."

MOORE.

The amendment was adopted.

Senator Moore sent up the following amendment:

Amend Senate Bill No. 44, line 24, Section 1, by adding between the words "operated" and "for" the word "exclusively."

MOORE.

Senator Woodruff sent up the following amendment to the Moore amendment:

Amend the Moore amendment to Senate Bill No. 44, adding at the end thereof:

"and operated exclusively within the corporate limits of such municipality."

WOODRUFF.

The amendment was adopted.

The question recurred on the Moore amendment as amended.

The amendment was adopted.

Senator Redditt sent up the following amendment:

Amend Senate Bill No. 44, Section 13 (a) by adding after the word "municipality" when the same appears in said Section, the following: ", and/or counties, independent and common school districts."

REDDITT.

The amendment was adopted.

Senator Redditt sent up the following amendment:

Amend Senate Bill No. 44, by adding a new section as follows:

"Section 13 (b) No municipality shall file any claim for any refund for any motor fuel tax paid when any portion of said tax paid has been used for school purposes or for any other purposes other than for highway construction. It being the intention of this section to limit said refund to only that portion of the tax that is allocated to highway purposes."

REDDITT.

Pending.

#### Senate Simple Resolution No. 21.

Senator Parr sent up the following resolution: